

AF #  
IWW

# ARNOLD & PORTER LLP

Thomas E. Holsten  
Thomas\_Holsten@aporter.com

202.942.5085  
202.942.5999 Fax

555 Twelfth Street, NW  
Washington, DC 20004-1206



December 8, 2004

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Art Unit: 1634  
Examiner: C.J. Myers  
Conf. No.: 5196

Re: U.S. Patent Application No. 09/819,091 filed February 16, 2000  
Inventors: Yongwei CAO *et al.*  
Title: Plant Genome Sequences and Uses Thereof  
Atty. Dkt: 16517.124

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

Authorization is hereby given to charge the statutory fee of \$340.00 for filing a Notice of Appeal to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.124. A duplicate copy of this letter is enclosed.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.124.

Respectfully submitted,

Thomas E. Holsten (Reg. No. 46,098)

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Yongwei CAO *et al.*

Appl. No.: 09/819,091

Filed: February 16, 2000



Confirmation No.: 5196

Art Unit: 1634

Examiner: Carla J. Myers

Atty. Docket: 16517.124

For: Plant Genome Sequences and Uses Thereof

**Notice of Appeal from the Examiner to the  
Board of Patent Appeals and Interferences**

**Mail Stop AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed September 8, 2004, that resulted in Applicants having claims that have been twice or finally rejected.

Authorization to charge the official fee for this filing is given in the accompanying transmittal letter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "T. E. Holsten".

Thomas E. Holsten (Reg. No. 46,098)

David R. Marsh (Reg. No. 41,408)

Date: December 8, 2004

Of Counsel:

Lawrence M. Lavin, Jr. (Reg. No. 30,768)

Thomas E. Kelley (Reg. No. 29,938)

Arnold & Porter LLP

Attn: IP Docketing

555 Twelfth Street, N.W.

Washington, DC 20004

Tel: 202-942-5000

Fax: 202-942-5999

12/09/2004 JBALINAN 00000018 502387 09819091

01 FC:1401

500.00 DA